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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,837	01/12/2004	Michael John Burkhart	AUS920030965US1	9839
34533 7590 01/23/2008 INTERNATIONAL CORP (BLF) c/o BIGGERS & OHANIAN, LLP P.O. BOX 1469 AUSTIN, TX 78767-1469			EXAMINER KUMAR, ANIL N	
			ART UNIT 2174	PAPER NUMBER
			MAIL DATE 01/23/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/755,837	Applicant(s) BURKHART ET AL.	
	Examiner ANIL N. KUMAR	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the Appeal Brief filed on October 22nd, 2007.

Claims (1-36) continue to be pending and have been considered below.

2. In view of the Appeal Brief filed on 10/22/07, PROSECUTION IS HEREBY REOPENED. New grounds for rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claim 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lortz (US 6505243 B1) in view of Gordon et al. ("Gordon", US 2004/0044635 A1).

Claims 1, 7, 13, 19, 25 and 31: Lortz discloses a system, method and products (an article of manufacture) for displaying a help resource associated with a device on a remote display apparatus (services gateway), comprising (i.e. computer 138 Fig 2);

- receiving, in a display apparatus (a computer terminal or equivalent providing an HTML interface, col 6 lines 9-14) / services gateway (network-attachable device, col 1 lines 57-64) , of help messages (one can provide targeted help, col 2 lines 12-21);
- and displaying, with the display apparatus, the help resource (displaying retrieved 174 install data to user interface, col 5 lines 38-39).

but does not disclose,

- a plurality of help messages created in a plurality of devices;
- prioritizing one of the plurality of help messages
- retrieving, in dependence upon the prioritized help message, a help resource.

However, Gordon teach, a help architecture that supports an application and a help engine operating on a computer, where the help engine is for locating help topics relevant to the application. Furthermore, Gordon teach, plurality of messages being created in plurality of devices (provide a help architecture 40

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that facilitates providing help from one or more local and/or remote help libraries 42 – created and resides on remote devices -, paragraph [0075] and Fig. 6), prioritizing the messages and retrieving (the help engine 16 retrieves help topics 18 from one or more help libraries 20, evaluates and prioritizes the retrieved topics 18, and displays linkages to the topics 18 based on the prioritization, paragraph [0036]).

It would have been obvious to an artisan at the time of this invention to combine the help architecture, as taught by Gordon, with Lortz's method, in order to provide user access to dynamic, up to date and disparate help messages available locally as well as remotely.

Claims 2-4, 8-10, 14-16, 20-22, 26-28 and 32-34: Lortz discloses selecting a help message in dependence upon a position of the help message, device ID or importance rating in the help message (i.e. ... a form, containing messages, can be displayed providing the prompt... to select a message based on any criteria contained in the message; col 6 lines 11-13)

Claims 5-6, 11-12, 17-18, 23-24, 29-30, 35-36: Lortz discloses notifying at least one of the plurality of devices that the display apparatus is busy (i.e. ... notification event, busy message, is transmitted 172 to devices on the network... col 4/5 lines 67-2)

Response to Arguments

Applicant's arguments with respect to at least independent claims 1, 7, 13, 19, 25 and 31 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anil N. Kumar whose telephone number is (571) 270-1693. The examiner can normally be reached on Wednesdays and alternate Mon-Tue and Thu-Fri EST (Alternate Mon-Tue and Thu-Fri off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

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Customer Service Representative or access to the automated information system, call
800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ANK

1/8/2008

/David A Wiley/

Supervisory Patent Examiner, Art Unit 2174